

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

THE INVENTION

As has been set forth in previous Amendments, the present invention is directed to an installation in which the complex function of handling storage formations and/or supporting elements is split into partial functions that are carried out by separate devices, respectively. The specific devices are designed to perform the partial functions and to operate independently. This function splitting, in accordance with the present invention is particularly implemented by a "positioning device" and an "orienting device." The positioning device is designed for holding and transporting a storage formation/supporting element along primary paths. The orienting device is designed for transporting the positioning device along secondary paths, and for changing the orientation thereof.

In an ongoing effort to characterize the claims in a manner that highlights the important distinctions between the present invention and the prior art, claim 1 is presently amended to stipulate that the "positioning device" is designed to be able to carry out the steps of positioning and retrieving and of transporting along the primary transport paths, being separated from the "orienting device." Claim 1 has been

further amended to recite that the "positioning device" and the "orienting device" are designed for the "positioning device" to be loaded to the "orienting device" for the steps of orienting and transporting along a secondary transport path. It is hoped that the Examiner will recognize and acknowledge that the presently-claimed structure is very different from the prior art as presently relied upon at present.

THE REJECTIONS UNDER 35 U.S.C. §102

Claims 1-20 had once again been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Hermann (U.S. Pat. No. 6,264,133). This rejection is once again respectfully traversed.

In the outstanding Office Action, the Examiner has admitted that,

...the claimed (primary and secondary) paths are not limited to any particular physical structure. The space through which an article may move meets the claimed 'path' limitations.

In this way, the Examiner implicitly acknowledges that a "path" is limited and defined by the particular physical structure of an apparatus. It follows that a prior art "space through which an article may move" would only satisfy the presently-claimed "path" limitations insofar as the prior art device could be shown to have the capability of moving an article through a "space" that would correspond to a "path" in accordance with the present claims. Thus, it is respectfully submitted that the presently-recited "primary and secondary paths" do in fact positively limit the physical structure of the invention since a prior art device must necessarily be capable of following the same paths in the manner claimed in order to satisfy the

requirements of the claims. By the Examiner's own criterion, it will be shown that the device of the Herrmann reference fails to show such a device capable of following such a path, as required by the present claims.

In arguing the suitability of the Herrmann reference, the Examiner states, e.g.,

The claimed positioning device reads on the components responsible for motion in the Y direction (in Fig. 5) along primary transport paths. The claimed orienting device reads on the components responsible for motion in the X direction and for rotation of the column 21 (note col. 6, lines 3-9).

... Herrmann has separate positioning and orienting devices and the orienting device transports the positioning device along only the secondary transport path.

It is clear from inspection that Fig. 5 shows the manipulator 1, including the trolley 20 and the column 21, being moveable in the Y direction. The supporting beam 22 is shown as moving in the X direction, and carrying the trolley 20 and column 21 with it in the X-direction. So any travel of the trolley 20 and column 21 in the X direction is specifically performed by the supporting beam 22.

In view the implications of the Examiner's admission with respect to the "paths," as noted above, it should be abundantly clear that the Herrmann reference cannot be relied upon to show the presently-amended limitations of claim 1, specifically that,

...the at least one positioning device is designed to be able to carry out the steps of positioning and retrieving and of transporting along the primary transport paths being separated from the at least one orienting device, and wherein the at least one positioning device and the at least one orienting device are designed for the at least one positioning device to be loaded to the at least one orienting device for the steps of orienting and transporting along the at least one secondary transport path. (emphasis added)

In this manner, the present claim 1 clearly recites that the present positioning

device alone follows the "primary transport path," and that both the positioning device and the orienting device follow the "secondary transport path." As was shown above, in order to anticipate this presently amended claim language, the Herrmann device must disclose "a particular physical structure of an apparatus" that enables "space through which an article may move." However, it is plain that Herrmann cannot be relied upon to show a "positioning device" that moves along a "primary transport path... separated from the orienting device," as required by amended claim 1. Further, Herrmann cannot be relied upon to show the "positioning device" to be loaded upon an "orienting device" for the steps of "orienting and transporting along a secondary path," as is also required by claim 1.

Indeed, the physical structure for following the primary and secondary paths is not shown in the Herrmann reference. In fact, by teaching an integrated device having components that move in the X and Y directions, it is respectfully submitted that Herrmann teaches away from the presently claimed invention. Thus, the Herrmann reference does not disclose every aspect of the claimed invention in order to satisfy the requirements for anticipation under Section 102 (see e.g. MPEP 706.02). It is therefore respectfully submitted that the present independent claim 1 distinguishes over Herrmann. And while disclosing further novel and unobvious features of the present invention not found in the prior art, the present dependent claims are considered to be allowable for at least the same reasons as independent claim 1. Reconsideration and withdrawal of the outstanding grounds of rejection is therefore respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is

determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. FRR-12920.

Respectfully submitted,

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